

04-13-05 1fw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/724,972
Applicant : Lynn Doucette-Stamm and David Bush
Filed : December 1, 2003
TC/A.U. : 1656
Examiner :
Docket No. : AM101933 D2 (previously PATH03-16)
Customer No. : 25291

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OWNERSHIP AND NEW POWER OF ATTORNEY

By virtue of an assignment dated January 5, 2005, Wyeth is the current owner of this application. It was assigned by Oscient Pharmaceuticals Corporation, formerly known as Genome Therapeutics Corporation. This assignment was filed with the United States Patent & Trademark Office on January 27, 2005. A copy is enclosed.

Also enclosed are forms PTO/SB/82 (09-04) providing a New Power of Attorney and PTO/SB/96 (09-04) providing a Statement Under 37 CFR 3.73(b), together with copies of the required assignments.

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ER672185075US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

4-12-05
Date

RoseAnn Jastrow

Respectfully submitted,

Carol E. Rozek

Carol E. Rozek
Reg. No. 36,993

Wyeth
Patent Law Department -
Five Giralda Farms
Madison, NJ 07940
Tel. No. (845) 602-4760



**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/724,972
Filing Date	December 1, 2003
First Named Inventor	Lynn Doucette-Stamm
Art Unit	1656
Examiner Name	
Attorney Docket Number	AM101933 D2

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: 25,291

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with
Customer Number:

25,291

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Fax			

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

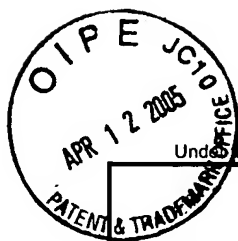
Signature	<i>Carol E. Rozek</i>		
Name	Carol E. Rozek Reg. No. 36,993		
Date	April 12, 2005	Telephone	845-602-4760

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: WyethApplication No./Patent No.: 10/724,972 Filed/Issue Date: December 1, 2003Entitled: NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO STAPHYLOCOCCUS EPIDERMIDIS FOR DIAGNOSTICS AND THERAPEUTICSWyeth, a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Inventors To: Genome Therapeutics Corp. (now Oscient Pharm Corp)
The document was recorded in the United States Patent and Trademark Office at Reel 010827, Frame 0568, or for which a copy thereof is attached.
2. From: Oscient Pharmaceuticals Corp To: Wyeth
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Carol E. RozekApril 12, 2005

Signature

Date

Carol E. Rozek Reg. No. 36,993845-602-4760

Printed or Typed Name

Telephone Number

Attorney for Applicant

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

WHEREAS, by virtue of an Assignment recorded in the United States Patent and Trademark Office, Oscient Pharmaceuticals Corporation (formerly Genome Therapeutics Corporation) ("Assignor") of 1000 Winter Street, Suite 2200, Waltham, Massachusetts 02451, is the owner of certain Letters Patent and Patent Applications as follows:

Application No.	Filing Date	Patent No.	Grant Date	Reel / Frames
09/134,001	08/13/1998	6,380,370	04/30/2002	010210 / 0527
10/092,411	03/07/2002			013502 / 0384
10/902,441	07/30/2004			013502 / 0384
09/450,969	11/29/1999			010827 / 0568
10/724,972	12/01/2003			010827 / 0568

WHEREAS, Wyeth ("Assignee"), a Delaware corporation, of 5 Giralda Farms, Madison, New Jersey 07940, is desirous of acquiring from Assignor an ownership right, title and interest in, to and under the Letters Patent and Patent Applications listed above, and the invention therein described and claimed.

NOW, therefore, for good and valuable consideration, the receipt of which is hereby acknowledged, Assignor hereby sells, transfers and conveys its ownership right, title and interest in, to and under said Letters Patent and Patent Applications referenced herein and the invention therein described and claimed to Assignee to the full end of the term for which Letters Patent may be granted and hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent when granted to Assignee as the assignee of an ownership right, title and interest in, to and under the same.

Assignor further agrees that Assignor will, without demanding any further consideration therefore, at the request but at the expense of Assignee, do all lawful and just acts, including the execution and acknowledgment of instruments, that may be or become necessary for obtaining, sustaining, or reissuing said Letters Patent as may be granted from said Patent Applications, and for maintaining and perfecting Assignee's right to said Letters Patent.

Oscient Pharmaceuticals Corporation

By 

Name STEPHEN COHEN

Title SVP & CFO

Date 1/5/05

State/Commonwealth of Massachusetts

County of Middlesex

On this 5th day of JANUARY, 2005, before me, the undersigned Notary public, personally appeared Stephane Cohen, proved to me through satisfactory evidence of identification, which was/were PERSONAL KNOWLEDGE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me the he/she signed it voluntarily for its stated purpose(s).

(as a partner for _____, a partnership)

(as SVP + CEO for SCIENT PHARMACEUTICALS corporation)

(as attorney-in-fact for _____, the principal)

(as _____, for _____, a/the _____)

Carolyn A. Grassi Notary Public

(SEAL)

CAROLYN A. GRASSI (print name)

My Commission expires 03/05/2010

Joint

ASSIGNMENT

WHEREAS, we, Lynne Doucette-Stam and David Bush, have invented a certain improvement in Nucleic Acid and Amino Acid Sequences Relating to *Staphylococcus Epidermidis* for Diagnostic and Therapeutics described in an application for Letters Patent of the United States, the specification of which:

☐ is being executed on even date herewith and is about to be filed in the United States Patent Office;

☒ was filed on November 29, 1999 as Application No. 09/450,969;

☐ was patented under U.S. Patent No. _____ on _____.

WHEREAS, Genome Therapeutics Corporation (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the Commonwealth of Massachusetts, and having a usual place of business at 100 Beaver Street, Waltham, Massachusetts 02453 desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue thereon; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the

execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor: *Lynn Doucette-Stamm*
Lynn Doucette-Stamm

State/Commonwealth
of _____
County of _____

Then personally appeared before me the above-named Lynn Doucette-Stamm and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 5th day of May, 2000

(SEAL) *Diane C. Sacca* Notary Public
DIANE C. SACCA (print name)
My Commission expires 12/03/04

Inventor: _____
David Bush

State/Commonwealth
of _____
County of _____

Then personally appeared before me the above-named David Bush and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this _____ day of _____, 2000

(SEAL) _____ Notary Public
_____(print name)
My Commission expires ____ / ____ / ____

ASSIGNMENT

WHEREAS, we, Lynne Doucette-Stam and David Bush, have invented a certain improvement in Nucleic Acid and Amino Acid Sequences Relating to *Staphylococcus Epidermidis* for Diagnostic and Therapeutics described in an application for Letters Patent of the United States, the specification of which:

- ☐ is being executed on even date herewith and is about to be filed in the United States Patent Office;
- ☒ was filed on November 29, 1999 as Application No. 09/450,969;
- ☐ was patented under U.S. Patent No. _____ on _____.

WHEREAS, Genome Therapeutics Corporation (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the Commonwealth of Massachusetts, and having a usual place of business at 100 Beaver Street, Waltham, Massachusetts 02453 desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue thereon; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the

execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor: _____
Lynn Doucette-Stam

State/Commonwealth
of _____
County of _____

Then personally appeared before me the above-named Lynn Doucette-Stam and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this _____ day of _____, 2000

Notary Public

(SEAL)

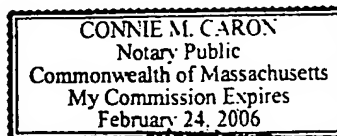
_____ (print name)

My Commission expires ____ / ____ / ____

Inventor: _____

David Bush

State/Commonwealth
of _____
County of Middlesex



Then personally appeared before me the above-named David Bush and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 19 day of April, 2000

(SEAL)

Connie M Caron Notary Public

Connie M Caron (print name)

My Commission expires 2 / 24 / 2006